

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ERIN ELISSA KIM,)
)
 Plaintiff,)
)
 v.) CIV-23-934-R
)
 DEPARTMENT OF DEFENSE, et al.,)
)
 Defendants.)
)

ORDER

Before the Court is Plaintiff's pro se letter [Doc. No. 8] requesting an extension of time to effect service on Defendants. Plaintiff initiated this action on October 16, 2023 alleging claims against the Department of Defense and Vance Air Force Base. On January 30th, 2023, she was directed to show cause why she had not served Defendants within the time limits set by Rule 4(m) of the Federal Rules of Civil Procedure [Doc. No. 7]. In her letter, Plaintiff asserts that she was unable to meet the service deadline because she has not been able to retain legal counsel.

Federal Rule of Civil Procedure 4(m) provides that the court must dismiss an action without prejudice if a defendant is not served within 90 days after the complaint is filed. However, Rule 4(m) also provides for a mandatory extension of time if the plaintiff shows “good cause” for the failure to timely serve a defendant. *Espinoza v. United States*, 52 F.3d 838, 841 (10th Cir.1995). To rely on the good cause provision, a plaintiff “must show meticulous efforts to comply with the rule.” *In re Kirkland*, 86 F.3d 172, 176 (10th Cir.

1996). If a plaintiff fails to show good cause, a district court may nevertheless grant a permissive extension of time to complete service. *Espinoza*, 52 F.3d 842. In light of Plaintiff's pro se status and "the solicitous attitude toward plaintiffs faced with 'the complex requirements of multiple service' under Rule 4(i)," the Court finds that a permissive extension of the service deadline is warranted. *Id.* at 842.

Accordingly, the Court grants Plaintiff 30 days from the date of this Order to complete proper service on the defendant and to file proof of service with the Court. Plaintiff is advised that her failure to complete proper service within this time limit will result in dismissal of this action without prejudice.

IT IS SO ORDERED this 12th day of February, 2024.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE